**REMARKS**

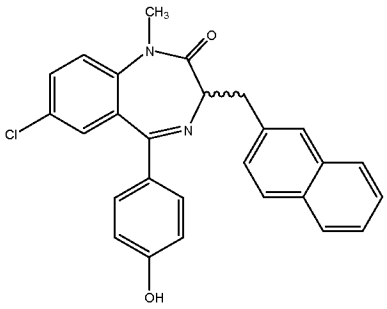
In the Office Action mailed October 9, 2007, the Examiner rejected Claim 12 under 35 U.S.C. §112(2) for indefiniteness, and rejected Claims 1 and 12-20 under 35 U.S.C. §103(a) as being obvious in light of Kim, et al., 1998 Braz. Chem. Vol. 9, No. 4, 375-379 (hereinafter, "the Kim reference") in view of RU2096044 abstract (hereinafter, "the Punegova abstract"), and further in view of U.S. Patent No. 6,824,561 (hereinafter, "the Soykan patent"). Each rejection is addressed below.

**I. Rejection of Claim 12 under 35 U.S.C. §112(2) – Indefiniteness**

The Examiner stated, "[Claim 12] recites 'wherein said drug-eluting stent is in contact with a drug-eluting stent', the claim is vague in the sense that it does not clearly explain if the drug is in the stent or is included in a stent coating. An explanation is needed." Office Action, page 2. The Applicant respectfully disagrees. However, in order to expedite prosecution while not acquiescing with the Examiner's arguments, Claim 12 is now amended such that it recites, "The composition of Claim 1, wherein said drug-eluting stent media is coated on ~~in contact with~~ a drug-eluting stent." Support for this amendment is located throughout the Specification (see, e.g., page 24, lines 13-24). The Applicant requests withdrawal of this rejection.

**II. Rejection of Claims 1 and 12-20 under 35 U.S.C. §103(a)**

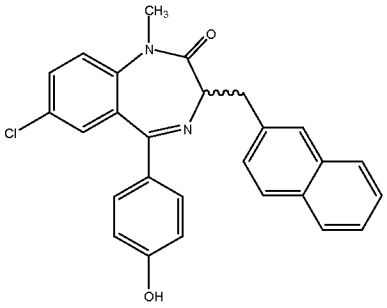
Claims 1 and 12-20 were rejected under 35 U.S.C. §103(a) as being obvious in light of the Kim reference, Punegova abstract, and the Soykan patent. The Applicant respectfully disagrees. However, in order to expedite prosecution while not acquiescing with the Examiner's arguments, the Applicant amends Claim 1 such that it recites, "A composition comprising a drug-eluting stent media; wherein said drug-eluting stent media comprises a pharmaceutical composition designed to bind a mitochondrial oligomycin sensitivity conferring protein component in a subject; wherein said pharmaceutical composition comprises an agent capable of binding a mitochondrial oligomycin sensitivity conferring protein component, wherein said agent does not bind to a central benzodiazepine receptor and binds only with low affinity to a



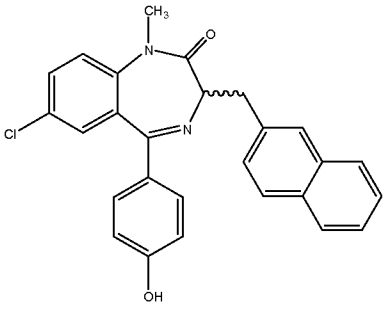

peripheral benzodiazepine receptor, wherein said agent is: ."

Support for this amendment is located throughout the Specification (see, e.g., page 23, lines 25-31, page 28, lines 12-19, page 58, lines 3-6, page 90, lines 7-24). The Applicant reserves the right to prosecute previously presented Claim 1, or similar claims, at a future date.

The Applicant submits that neither the Kim reference, Punegova abstract, nor the Soykan patent render amended Claim 1, or claims dependent thereon, *prima facie* obvious. As a threshold matter, the Applicant submits that the standard of obviousness requires a consideration of whether the claimed subject matter, taken *as a whole*, would have been obvious at the time the invention was made to a person skilled in the art. Under this standard, it is submitted that neither the Kim reference, Punegova abstract, nor the Soykan patent, alone or in combination, render amended Claim 1 *prima facie* obvious, for at least the following reasons.




Amended Claim 1 requires that the agent, i.e., the compound is, "capable of binding a mitochondrial oligomycin sensitivity conferring protein component." Neither the Kim reference, Punegova abstract, nor the Soykan patent teach or recognize that certain benzodiazepine compounds (e.g., the



compound) could bind to a mitochondrial oligomycin sensitivity conferring protein component. The Applicant's discovery that certain benzodiazepine compounds bind to the oligomycin sensitivity conferring protein, and that such a binding causes increased superoxide levels is a significant advance because, as explained in Applicant's patent application, cell death results from the increase in superoxide levels (see, e.g., page 90, lines 7-24).

Moreover, amended Claim 1 requires that the agent "does not bind to a central benzodiazepine receptor and binds only with low affinity to a peripheral benzodiazepine receptor." None of the references cited by the Examiner describe the binding activity of the agent specified in Claim 1. Moreover, in contrast to the limitation in claim 1 that the agent "does not bind to a central benzodiazepine receptor," the Punegova abstract refers to benzodiazepine derivatives having psychotropic effects. It is also reported that psychotropic effects result from binding to the central benzodiazepine receptor. See, e.g., col. 1 of U.S. Patent No. 6,380,384. As such, the Punegova abstract does not direct the skilled artisan toward the subject matter of Claim 1 at least because Claim 1 requires that the agent "does not bind to a central benzodiazepine receptor."

Accordingly, Applicants submit that the references cited by the Examiner do not teach all of the elements of amended Claim 1, and respectfully request withdrawal of the rejection under 35 U.S.C. §103(a).

## III. New Claim 21

Applicant submits new Claim 21. Support for new Claim 21 is located throughout the Specification (see, e.g., page 23, lines 25-31, page 28, lines 12-19).

**CONCLUSION**

Each rejection of the Office Action mailed October 9, 2007 has been addressed. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

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